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LUC-444/Clark 12-11

**IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE****RECEIVED
CENTRAL FAX CENTER****SEP 17 2008****Patent Application****Inventor(s):** Edward A. Clark et al.**Case No.:** LUC-444/Clark 12-11**Examiner**


Rasha S. Al Aubaidi

Serial No.: 10/736,408**Art Unit:**

2614

Filing Date: 12/15/2003**Title:** PROVIDING OF SERVICE(S) BY A SERVICE CONTROL COMPONENT
TO TELEPHONY DEVICE(S) ON A CALL THROUGH EMPLOYMENT OF
DATA STREAM(S) ASSOCIATED WITH THE CALL**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being sent via facsimile transmission to Commissioner for Patents, Mail Stop Amendment, Group Art Unit 2614, Attention: Examiner Rasha S. Al Aubaidi, P.O. Box 1450, Alexandria, VA 22313-1450, at fax number (571) 273-8300, on September 17, 2008.


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Date of Signature: September 17, 2008

Commissioner for Patents

Mail Stop Amendment

Group Art Unit 2614

Attention: Examiner Rasha S. Al Aubaidi

P.O. Box 1450

Alexandria, VA 22313-1450

Fax Number (571) 273-8300

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicants request review of the final rejection of this application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets.

REMARKS

Claims 1, 3-8, 10-23 and 25-29 are pending in the application. Claims 1, 3-8, 10-23 and 25-29 were rejected under 35 U.S.C. § 103 (a).

Rejection Under 35 U.S.C. § 103 (a)

Claims 1, 3-6, 9-15 and 22 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U. S. Patent Number 6,608,891 issued to Pelletier on August 19, 2003 in view of U. S. Patent Application Number 2003/0161297 issued to Noda dated August 28, 2003.

Applicants respectfully traverse this ground of rejection for the following reasons. Applicants' claim 1 recites,

"one or more application server components which cooperate with the service control component through employment of a Session Initiation Protocol to establish one or more data streams between the service control component and the one or more application server components to provide the one or more services."

First, as stated in the Final Office Action, Pelletier does **not** teach or suggest this limitation. Moreover, applicants note that Noda does **not** teach or suggest the limitation either.

Second, Noda discloses signaling communication (SIG. C.) components which applicants believe the Examiner equates to applicants' service control component. Also, Noda discloses a multimedia communication (MM. C.) relay server which applicants believe the Examiner equates to applicants' application server components.

Applicants agree that Noda discloses Session Initiation Protocol (SIP), however, Noda does **not** utilize SIP in the manner recited in applicants' claim 1. More specifically, Noda discloses SIG. C. components 1141 to 1144 which handle signaling communication with the external network terminals 240 to 270 over Transmission Control Protocol (TCP) or Session Initiation Protocol (SIP). However, **SIG. C. components 1141 to 1144 handle signaling communication with the MM. C. relay server 120 over the TCP**, as stated in paragraph 0078. In other words, Noda's SIG. C.

components 1141 to 1144, i.e., the signaling components, cooperate with MM. C. relay server 120, i.e., the application server component, through employment of TCP rather than SIP. Thus, Noda, similar to Pelletier, is missing the "one or more application server components which cooperate with the service control component through employment of a Session Initiation Protocol to establish one or more data streams between the service control component and the one or more application server components to provide the one or more services" elements, as recited in applicants' claim 1.

Therefore the proposed combination of Pelletier and Noda does not teach or suggest all of the limitations in applicants' claim 1, and therefore claim 1 is allowable over the proposed combination. Since claims 3-8, 10-22 and 27-29 depend from allowable claim 1, these claims are also allowable over the proposed combination.

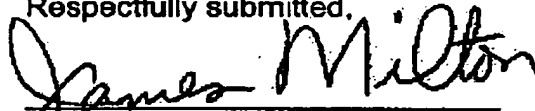
Independent claims 23 and 26 each have a limitation similar to that of independent claim 1, which was shown is not taught by the proposed combination of Pelletier and Noda. For example, claim 23 recites "establishing communications between one or more service control components and one or more application server components through a Session Initiation Protocol to establish one or more data streams based on the information", and claim 26 recites "means in the one or more media for providing, by one or more service control components communicating with one or more application server components, one or more services to one or more telephony devices on a call through employment of a Session Initiation Protocol to establish one or more data streams between the one or more service control components and the one or more application server components". The proposed combination of Pelletier and Noda does not teach or suggest these limitations for the above-mentioned reasons. Therefore, claims 23 and 26 are likewise allowable over the proposed combination. Since claim 25 depends from claim 23, this dependent claim is also allowable over the proposed combination.

Conclusion

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all claims pending is respectfully requested.

If a telephone conference would be of assistance in advancing the prosecution of this application, feel free to call applicants' attorney.

Respectfully submitted,

A handwritten signature in black ink that reads "James Milton". The signature is written in a cursive style with a horizontal line underneath it.

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Dated: September 17, 2008

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